

Eric A. Seitz, Attorney At Law
A LAW CORPORATION

Eric A. Seitz
Della A. Belatti
Gina Szeto-Wong
Jonathan M.F. Loo
Kevin A. Yolken

August 6, 2021

Letter

Honorable Jill A. Otake
United States District Judge
District of Hawaii
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

Re: Anthony Chatman, et al vs. Max. N. Otani, et al
Civil No. 21-00268 JAO-KJM

Dear Judge Otake:

We are writing to you in Judge Mansfield's absence due to the increasingly dire conditions in Hawaii correctional institutions because of the State's inability and apparent unwillingness to provide a safe environment for inmates, lack of candor about the actual conditions, and refusal to produce timely information about our clients which you and Judge Mansfield already have ordered them to provide.

Since the issuance of your preliminary injunction on July 13, 2021, we repeatedly have asked for information identifying the class members who contracted Covid and their current status and locations so we can contact them to verify that they are safe. The Defendant flatly refuses to provide that information and has failed to do so thus far notwithstanding the Magistrate Judge's July 21, 2021 Order directing Defendant to provide the foregoing information to class counsel.

For the past approximately three weeks we have received daily reports identifying one to – at most – three inmates newly diagnosed with Covid creating the impression that there are no significant outbreaks in any of the facilities. On August 2nd the Defendant filed their first Status Report with declarations from the wardens baldly stating that there are no Covid problems in any of their facilities statewide and that they are in full and complete compliance with the Court's July 13th Order. The information supplied to us by our clients and staff has indicated that the wardens' declarations are inaccurate – at best.

Last week I attended a criminal arraignment hearing in Circuit Court when it was announced that one or more OCCC defendants could not be arraigned that day because they had tested positive for Covid, but we had not received any reports of new cases at OCCC. Yesterday I was notified that a parole hearing scheduled for August 11 has been postponed indefinitely because Halawa is now shut down. Shortly thereafter the Defendant reported a total of nearly forty new cases at Halawa and the Maui Community Correctional Facility. The Halawa cases are of particular concern because that is

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the facility to which inmates from the Hawaii Community Correctional Center are being sent during a n active outbreak purportedly to address Covid and reduce the population there.

We have received reports of possible Covid outbreaks at other facilities that we are unable to accurately verify due to the refusal of the Defendants or their counsel to fully and timely comply with your July 13th Order and the Magistrate's July 21, 2021 Order. Our pleas for further information have been ignored by opposing counsel who currently are focused, instead, upon seeking modifications of your Order rather than insuring the well-being and safety of the inmates in their custody and control.

In Judge Mansfield's absence we are directing this correspondence to you based upon our belief that there is an emergency situation that will only become worse unless we are able to intervene effectively right away.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'Eric A. Seitz', written over the 'Sincerely yours,' text.

Eric A. Seitz
Gina Szeto-Wong
Kevin Yolken

cc Hon. Kenneth J. Mansfield
Clare E. Connors, Esq
Kendall J. Moser, Esq.
Skyler G. Cruz, Esq.